

REMARKS/ARGUMENTS

This amendment is respectfully submitted in response to the Office Action dated June 23, 2004.

I. Introduction

Claims 14, 18, and 21 have been amended. Accordingly, claims 1-26 are now pending.

In the Office Action the Examiner rejected claims 1-26 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0125072 A1 to Dent (hereinafter "the Dent publication"), in view of U.S. Patent No. 6,535,730 B1 to Chow et al., (hereinafter "the Chow et al. patent"). As will be discussed below, the applied references, when considered alone or in combination, do not anticipate or render obvious the claimed invention.

II. Amendments to Claims 14 and 18

Claims 14 and 18 have been amended solely to correct typographical errors. No substantive change has been made to either claim.

III. The Present Invention

In contrast to other systems, in some embodiments of the present invention, a no answer condition on a primary telephone number is used to trigger additional capabilities, such as allowing the caller to easily connect to other parties associated with the primary number. This could be useful, for instance, in allowing groups of individuals, such as family members, to communicate with one another even when no one is available to answer a primary telephone number, such as a family residence number, associated with the group. With this embodiment, a primary number can receive calls normally. Thus, a caller normally is not allowed to access other names associated with the primary number. However, when there is a no answer condition the system allows the caller to access other numbers associated with the primary number.

As a further departure from other systems, in another embodiment of the present invention, calling party information, such as the calling party's telephone number or PIN is checked to determine if the calling party is a family member. If so, the calling family member is provided with an opportunity to initiate a conference call to all or some of the listed family members at their listed contact numbers. Callers who are not family members are not given the option of contacting other family members, and their calls are handled in the ordinary way (given a no answer condition) such as forwarding the call to a voice messaging system.

IV. The Dent Publication and the Chow et al. Patent Fail to Teach, Disclose, or Suggest the Claimed Subject Matter

The Examiner states that "Dent does not teach when call to a telephone number goes unanswered." Applicant agrees with Examiner that this limitation of the present invention is not taught by the Dent publication. The Examiner goes on to say that the Chow et al. patent "teaches to detect when a call to a telephone number goes unanswered (see for example, column 47, lines 45-48)." (Office Action page 3, bold added for emphasis)

1. There is no reason to combine the two references.

The Dent publication discloses associating a common number to a group of two or more mobile terminals, such that "when a call directed to the common number is received, the caller may be prompted to select an option for contacting group members, such as calling a specific group member, the first to answer, or all group members" (Abstract – emphasis added). Regardless of whether a caller intends to reach a particular party, the first available party, or conference all available parties, there would be no reason to consider invoking a procedure in the case of a no answer condition. If there is a no answer condition under any of the above scenarios, the purpose of the Dent invention has failed, and no other action is suggested or contemplated.

Further, in Applicant's invention, the other group members are contacted upon encountering the no answer condition. Therefore, even if there was a reason to consider applying further procedures in the Dent publication upon encountering a no

answer condition, such procedures would clearly not include trying to contact individual members of the group, as in the present invention, as that procedure would have already been tried and would have failed by the time the no answer condition was encountered. Consequently, there would be no reason to apply further procedures in the Dent publication upon encountering a no answer condition, and even if such procedures were applied, they would not result in anything like Applicant's invention.

2. Even if there was a reason for Dent to look to the Chow et al. patent for guidance concerning encountering a no answer condition, the Chow et al. patent would not provide any such guidance and would not lead to the claimed invention

The lines cited by the Examiner at col. 47, lines 45-48 in the Chow et al. patent state:

“...a mobile station user can in real time forward an unanswered incoming call to another DN or extension by entering a function code...”.

Throughout the patent, Chow et al. describes a process by which the called party can dispose of an incoming call without answering it, by first ascertaining information about the caller in real time. In contrast, the limitation in claim 1 of the present invention is “detecting when a call to a telephone number goes unanswered”. There is no **detection** of an unanswered call in the Chow et al. patent. There is a choice made by a called party to forward particular calls in real time. This in no way teaches, discloses, or suggests Applicant's **detection** of a no answer condition, followed by allowing a caller to contact members of a group associated with the called number if a no answer condition is detected.

Therefore, even if there were a reason to combine the Dent publication with the Chow et al. patent, (which there is not as explained above) the limitation of “detecting when a call to a telephone number goes unanswered” would not be disclosed, taught, or suggested.

3. Claim 1 of the current invention has the further feature of determining "that the calling party is a member of the group..." prior to "presenting the calling party with a list of other members of said group ..." which is not disclosed or suggested in the prior art

Neither the Dent publication nor the Chow et al. patent, alone or in combination, teach or disclose ascertaining if the caller is a member of the group prior to giving the caller the option to call individual members. The Dent publication does disclose identifying whether the caller is a member of the group, but not as a pre-condition of selecting group members to contact. For instance, at paragraph 36: "In the particular case that 'all parties' is selected at block 110 and the caller is a member of the group associated with the common number, the MSC 12 may detect this fact and exclude the calling mobile terminal 18 from the conference call setup procedure at step 112."

Therefore, any combination of the Dent publication and the Chow et al. patent would not disclose, teach, or suggest the further feature of claim 1 of ascertaining if the caller is a member of the group prior to allowing the caller to call individual members.

V. The Pending Claims Are Patentable

Claim 21 has been amended to include the limitation that the call process instructions are **responsive to an indication of a non-answered call**. With this amendment of claim 21, all of the independent claims have the limitation of responding to a no answer condition, which as described above, is not disclosed, taught, or suggested by any combination of the cited references. Further, claim 1 has the additional limitation of allowing the selection of group members by the calling party after first determining that the calling party is a member of the group. This feature is not suggested or disclosed by the references.

Therefore, all of the pending claims are patentable over the cited references, and the rejections should be withdrawn. Each of the following claims contains bold typeface language; the claims are allowable over the cited references at least because of that language for the reasons given above.

1. Claim 1 and claims 2-13 are Patentable

Claim 1 is patentable because it recites:

A communications method, comprising:
detecting when a call to a telephone number goes unanswered;
determining if the unanswered call is from a member of a group identified in a stored set of information associated with the called telephone number; and
when it is determined that the calling party is a member of the group identified in said stored set of information:
presenting the calling party with a list of other members of said group who have provided telephone numbers for contact purposes;
receiving information from the calling party identifying one or more members of the group who are to be included in a conference call; and
initiating a conference call to any group members identified by the received information.

Claims 2-13 depend from claim 1 and are patentable for the same reasons claim 1 is patentable.

2. Claim 14 and claims 15-17 are Patentable

Claim 14 is patentable because it recites (as amended):

A communications system, comprising:
a telephone switch for receiving calls directed to a subscriber telephone number;
a peripheral device coupled to said switch including:
i. circuitry for accessing a set of information corresponding to the subscriber telephone number, the set of information including a list of telephone numbers corresponding to a group of individuals associated with said subscriber telephone number;
ii. circuitry for playing a message to a calling party who made an unanswered call to the subscriber telephone number, the message including the names of the group members who have included contact telephone numbers in said set of information;

iii. call conferencing circuitry coupled to said telephone switch for placing calls to members of said group selected by the calling party and for bridging said calls to the call placed by the calling party to the subscriber telephone number when said calls are answered; and

a service control point coupled to said telephone switch including control logic for instructing said switch to connect an unanswered call directed to said subscriber telephone number to said peripheral device.

Claims 15-17 depend from claim 14 and are patentable for the same reasons claim 14 is patentable.

3. Claim 18 and claims 19-20 are Patentable

Claim 18 is patentable because it recites (as amended):

A communications method comprising:

storing a set of information including a list of members of a group associated with a telephone number who may be contacted when a call to said telephone number goes unanswered, the set of information including for each group member who may be contacted, a contact telephone number;

detecting when a call to the telephone number associated with said group goes unanswered;

presenting the calling party placing the unanswered call with a list of group members who have contact telephone numbers stored in said set of information;

receiving information from the calling party indicating the group member or members whom the calling party would like to contact; and

initiating a conference call using at least one contact telephone number obtained from the set of stored information corresponding to a group member indicated by the received information.

Claims 19-20 depend from claim 18 and are patentable for the same reasons claim 18 is patentable.

4. Claim 21 and claims 22-26 are Patentable

Claim 21, as amended, is patentable because it recites:

A digital storage medium, comprising:
a first set of stored information for providing a
communications service, the set of stored information
including:
i) call process instructions responsive to an
indication of a non-answered call,
ii) a primary telephone number associated with a first
communications service subscriber;
iii) a list of group members associated with said
primary telephone number, and
iv) for each of a plurality of members in said list:
a) a telephone number from which the group
member may call said primary telephone; and
b) a telephone number which can
be used to contact said group member.

Claims 22-26 depend from claim 21 and are patentable for the same reasons
claim 21 is patentable.

VI. Conclusion

In view of the foregoing amendments and remarks, Applicant
respectfully submits that the pending claims are in condition for allowance.
Accordingly, Applicant requests that the Examiner pass this application to
issue.

If there are any outstanding issues which need to be resolved to place
the application in condition for allowance the Examiner is invited to contact
Applicant's undersigned representative by phone to discuss and hopefully
resolve said issues. To the extent necessary, a petition for extension of time
under 37 C.F.R. 1.136 is hereby made, the fee for which should be charged to
Patent Office deposit account number 07-2347.

Respectfully submitted,

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